

**DURHAM, NORTH CAROLINA  
WEDNESDAY, AUGUST 7, 2002  
6:00 P.M.**

**Pursuant** to the proper notification, the Durham City Council held a special meeting on the above date and time in the Committee Room at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, Deputy City Clerk Linda Bratcher and Records Management Coordinator Tonette Amos.

Mayor Bell called the special meeting to order with the pledge of allegiance.

Council Member Clement thanked everyone who participated in *National Night Out*.

At this time during the meeting, a vote was taken on Consent Item #46.

**SUBJECT: REZONING CASE P01-74 - CIMLAND, L.L.C. – 161.162 ACRES  
ON THE EAST SIDE OF BURTON ROAD SOUTH OF GEER  
STREET** *(continued from 6/18/02)*

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P01-74 out of RD and R-20 and placing same in and establishing same as PDR 1.69.

Zoning Committee Recommendation: Denial (7-0)

Planning Department Recommendation: Approval

Attorney Jack Markham representing the applicant, spoke in support of this rezoning. He noted the units have been reduced to 272 units, no lots are located within the floodway, floodway fringe and stream buffer or steep sloop areas, made comments about development plan, size of lots, railroad right-of-way dedication, trail system and noted tot lots are committed elements.

The following citizens spoke in opposition to the rezoning request: John Parrish and Paul Glenn.

Council held discussion on flooding issue, school impact, Panther Creek, number of houses that could be constructed, tot lots, start/build out date, water supply, parking, design and density.

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P01-74 out of RD and R-20 and placing same in and establishing same as PDR 1.69 was approved at 6:33 p.m. by the

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following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement and Stith. Noes: Mayor Bell and Council Members Cole-McFadden and Edwards. Absent: None.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda was approved at 6:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: MAJOR SITE PLAN - WENDY'S AT THE SHOPPES AT HOPE VALLEY FARMS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan for "Wendy's at the Shoppes at Hope Valley Farms", submitted by The John R. McAdams Company, Inc., on behalf of Wendy's International, consisting of one 2,989 square foot fast food restaurant on .80 acres, zoned SC (Shopping Center), located on the west side of Cook Road, north of Martin Luther King, Jr. Parkway, east of Roxboro Street. (Tax Map 508-01-001Q), (PIN 0820-18-30-0261), City Atlas Page 37, Sections B-2 and B-3 was approved at 6:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN - LYON'S FARM PHASE 1**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan for Phase 1 of the Lyon's Farm subdivision, consisting of 90 single family lots on a +36.86 acre site, located on the north side of Scott King Road, east of Grandale Drive, west of Herndon Road (PIN 0727-03-24-6295, 9286, 2286, 6204, 8888, Tax Map 531A-01-003, 004, 005, 006, 007) was approved at 6:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN - HUNTINGTON RIDGE SUBDIVISION, PHASE 3**

Council Member Cole-McFadden requested the administration to add an item to the August 8, 2002 City Council Work Session agenda concerning water impact on new developments.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan for Huntington Ridge Subdivision, Phase 3, submitted by Tony M. Tate, Landscape Architecture, on behalf of JLG Corporation, consisting of 86 single family lots and open space on a 34.3 acre site, zoned PDR 2.5. The property is located on the west

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side of Fayetteville Road, south of Massey Chapel Road and east of NC Highway 751 was approved at 6:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN - PAGEHURST SUBDIVISION, PHASE 3B**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan for Pagehurst Subdivision, Phase 3B, submitted by William G. Daniel & Associates, on behalf of Perfect Corporation, consisting of 77 single family lots and open space on a 13.04 acre site, zoned PDR 3.85. The property is located on the west side of Page Road, south of Lumley Road was approved at 6:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN AND REVISION TO ADOPTED DEVELOPMENT PLAN - HOCK PLAZA (D02-300)**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a major site plan and revision to the development plan (P02-14) submitted by Mitchell Westendorf, PA, on behalf of Hock Development Corporation. The site plan is for a ten-story mixed use building and a five-level parking garage, proposed with 139,500 square feet of office space, 68,000 square feet of industrial space, 24,000 square feet of institutional space, 30,130 square feet of commercial space and 12,000 square feet (three units) of residential space, including 888 motor vehicle parking spaces and 48 bicycle parking spaces on a +/-2.56 acre site, zoned Mixed Use (D) was approved at 6:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]**

**SUBJECT: STREET CLOSING - RONEY STREET CLOSING (SC01-3)**

To receive public comment on closing a 309 linear foot section of Roney Street between Hunt Street and Corporation Street.

To adopt an order to close Roney Street as identified.

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing.

Henry Scherich, representing Measurements, Inc., spoke in opposition to the street closing expressing future expansion, egress from Roney Street and Hunt Street being

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unpaved concerns. He urged Council to not close Roney Street until a reasonable alternative for street/traffic plan is available.

I. E. Murray, of 511 W. Knox Street, spoke in opposition to closing Roney Street.

Joan Pellettier, representing Council for Senior Citizens, spoke in support of closing Roney Street.

Bill Kalkhof, representing DDI, spoke in favor of street closing noting it is important to make sure all major projects do happen and in favor of paving Hunt Street.

Allen Wilcox, representing Durham Central Park, spoke in support of closing Roney Street.

Curt Eshelman, representing Durham Central Park, spoke in favor of street closing.

Wesley Parham, of Transportation Division, advised Council there is a project in the Capital Improvements Program for north downtown street improvements and funds earmarked for projects [Hunt, Foster and Corporation Streets] will be available FY 2003.

Council held discussion on paving Hunt Street, funds for improvements, expansion, and street closing.

Mayor Bell directed the administration to look closely at the Hunt Street issue.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to continue the public hearing to the August 19, 2002 City Council Meeting without further advertising was approved at 7:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: CONVEYANCE OF PROPOSED EASEMENT TO DUKE POWER COMPANY WITHIN CLOSED PORTION OF RONEY STREET--STREET CLOSING CASE #SC01-3, TAX MAPS 60 & 61--DURHAM CENTRAL PARK**

The item regarding the Conveyance of Proposed Easement to Duke Power Company within Closed Portion of Roney Street--Street Closing Case #SC01-3, Tax Maps 60 & 61--Durham Central Park was removed from the agenda at the 7-25-02 Work Session.

**SUBJECT: REZONING CASE P02-4 - WILLIAMS CONSTRUCTION COMPANY - 6.259 ACRES AT THE INTERSECTION OF HOPE VALLEY ROAD AND SOUTH OF ROXBORO STREET**

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To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-04 out of R-10 and R-20 and placing same in and establishing same as RM-8 (D); F/J-B.

Mayor Bell read a letter from Attorney Larry Hall, representing the applicant, requesting withdrawal of the rezoning application for Case P02-04.

**MOTION** by Council Member Clement seconded by Council Member Stith to withdraw rezoning application for Case P02-04 was approved at 7:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING - GATTIS STREET (SC02-2)**

Frank Duke, City/County Planning Director, briefed Council on this item.

Mayor Bell opened and declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Edwards to receive public comment on closing a 309 linear foot section of Gattis Street, south of Maxwell Street; and

To adopt an order to close Gattis Street as identified was approved at 7:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance # 12640**

**SUBJECT: PROPOSED ZONING TEXT AMENDMENT -  
TELECOMMUNICATIONS TOWER MORATORIUM (TC- 127)**

Frank Duke, City/County Planning Director, briefed Council on this item.

Council held discussion on the ordinance and tower.

Mayor Bell opened and declared the public hearing closed.

**MOTION** by Council Member Stith seconded by Council Member Clement to receive public comment on adoption of an ordinance to enact a six-month moratorium on new telecommunications tower applications; and

To adopt Zoning Text Amendment TC 127 enacting a six-month moratorium on new telecommunications tower applications was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**Ordinance #12641**

**SUBJECT: PROPOSED ZONING TEXT AMENDMENT - MODIFICATIONS TO APPLICATIONS (TC-131)**

Frank Duke, City/County Planning Director, briefed Council on this item.

Mayor Bell opened and declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to receive public comment on adoption of an ordinance providing clarification on the ability to hold additional public hearings for amended zoning applications; and

To adopt Zoning Text Amendment TC 131 providing clarification on the ability to hold additional public hearings for amended zoning applications was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12642**

**SUBJECT: PLAN AMENDMENT - AMENDING THE NC 54/I40 CORRIDOR STUDY (A02-03) (CONTINUED FROM 6/18/02)**

Bonnie Estes, of City/County Planning Department, briefed Council on the plan amendment to the NC 54/I40 Corridor Study. She noted that staff's recommendation is for denial as well as the Planning Commission.

Mayor Bell opened the public hearing.

Attorney Kenneth Spaulding, representing the applicant, spoke in support of amendment to the small area plan to commercial noting it will provide an amenity to the Crooked Creek Neighborhood and NE quadrant of NC 54 and Fayetteville Road.

Don Gallimore, of Crooked Creek Neighborhood Association, spoke in support of amendment urging Council to approve change from office to commercial.

Robert Baxter, of Crooked Creek Neighborhood, spoke in support of amendment noting development will be useful for the neighborhood.

Mayor Bell made comments about the confusion of the agenda item noting there are individuals wishing to speak to an issue relating to Rosa Tucker's property that is not on the agenda tonight.

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City Attorney Blinder briefed Council noting the Corridor Study for any other parcel other than A02-03 has not been advertised for a public hearing and Council would not be able to take action.

Discussion was held by Council on whether to hear comments about other aspects of the Corridor Study.

Adrian P. Cherry, representing Rosa Tucker, made comments raising a concern with the confusion on when the future land use map would be discussed and with the notification process.

Anita Keith-Foust, of 323 W. Trinity Avenue, spoke in support of this project.

Mayor Bell declared the public hearing closed.

Council held discussion on traffic issues, office space, committed elements and TIA.

**MOTION** by Council Member Clement seconded by Council Member Edwards to receive public comment and adopt a resolution amending the NC 54/I-40 Corridor Study was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Edwards and Stith. Noes: Council Member Cole-McFadden. Absent: None.

**Resolution #8889**

Frank Duke, City/County Planning Director, noted the administration will bring an item to the September 16, 2002 City Council Meeting on the Kentington Heights amendment.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Edwards to hear no citizen's comments on other aspects of the Corridor Study until the September 16, 2002 City Council Meeting was approved at 7:53 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: REZONING CASE P01-63 - TARHEEL STEAKS, INC., DBA WILLIAMS CONSTRUCTION COMPANY – NORTH SIDE OF PICKETT ROAD, AT THE INTERSECTION OF TOWER BOULEVARD AND PICKETT ROAD**

Dick Hails, of the City/County Planning Department, briefed Council on the staff report. He noted staff is recommending denial based on the need for a cul-de-sac or street connection to the stub from the property to the east of the site.

Mayor Bell opened the public hearing.

Proponents

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Attorney Jack Markham, representing the applicant, spoke in support of this rezoning making comments regarding the uses, mass transit corridor and noted proposal is consistent with West-Northwest Durham Plan. He urged Council to approve rezoning request without building the cul-de-sac.

Karla Mika, of 2906 Alderman Lane, spoke in support of this rezoning. Also, she expressed opposition to the construction of a cul-de-sac at the western end of Alderman Lane.

Cindy Hoff, representing Cameron Woods, urged Council to reconsider and not build the cul-de-sac.

Herman Turner, of 2912 Alderman Lane, spoke in support of rezoning noting that a cul-de-sac will not create any value.

No one spoke in opposition to rezoning.

Mayor Bell declared the public hearing closed.

Council held discussion on cul-de-sac, public safety, service delivery, connectivity issue, ordinance and site visits.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P01-63 out of R-10 and placing same in and establishing same as PDR 3.94 [without cul-de-sac on Alderman Lane] was approved at 8:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: Council Member Edwards. Absent: None.

**SUBJECT: REZONING CASE P01-67- DAVID RAVIN, THE CROSLAND GROUP - EAST SIDE OF FAYETTEVILLE STREET SOUTH OF I-40, SOUTH OF THE APPROVED RENAISSANCE CENTER, EXTENDING EAST TO MASSEY CHAPEL ROAD**

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P01-67 out of RD and placing same in and establishing same as NC (D), RM-8 (D), and RM-20 (D).

Zoning Committee Recommendation and Vote: Denial 7-0

Planning Department Recommendation: Approval

Dick Hails, of the City/County Planning Department, briefed Council on the staff report.

Mayor Bell opened the public hearing.

Proponents



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Attorney Jack Markham, representing the applicant, spoke in support of this rezoning and provided Council with a development plan.

Pat Bocckino, of 7340 Abron Drive, spoke in support of rezoning request.

Attorney Jack Markham, representing applicant, noted the buffer plan provided to Council will be a committed element under the development plan and urged Council to approve rezoning request.

No one spoke in opposition to the rezoning request.

Mayor Bell declared the public hearing closed.

Council Member Stith asked the developer if they would be willing to exclude fast food and drive-thru restaurants.

David Ravin, the developer, stated they would be willing to exclude drive-thrus with the exception of the northern piece of property.

Council held discussion on the restricted/permitted uses.

At this time during the meeting, the City Council moved to Consent Item # 56 [Rezoning P02-13 – Carroll Investment Properties], to allow the developer time to review the list of uses.

**Note: See further discussion held on this item later in the meeting.**

**SUBJECT: REZONING CASE P02-13 - CARROLL INVESTMENT PROPERTIES, INC. – 22.321 ACRES, AT THE NORTHWEST QUADRANT OF THE INTERSECTION OF I-40 AND PAGE ROAD, OFF OF OLD PAGE ROAD**

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-13 out of R-20 and placing same in and establishing same as RM-16 (D).

Zoning Committee Recommendation: Tie vote (3-3)

Planning Department Recommendation: Approval

Sheila Stains-Ramp, of the City/County Planning Department, briefed Council on the staff report.

Mayor Bell opened the public hearing.

Proponent

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Attorney Jack Markham, representing the applicant, spoke in support of this rezoning request.

No one spoke in opposition to this rezoning.

Mayor Bell declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-13 out of R-20 and placing same in and establishing same as RM-16 (D) was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: Council Member Edwards. Absent: None.

At this time during the meeting discussion was continued on the following rezoning case:

**SUBJECT: REZONING CASE P01-67- DAVID RAVIN, THE CROSLAND GROUP - EAST SIDE OF FAYETTEVILLE STREET SOUTH OF I-40, SOUTH OF THE APPROVED RENAISSANCE CENTER, EXTENDING EAST TO MASSEY CHAPEL ROAD**

Frank Duke, City/County Planning Director, noted the applicant would be adding the following additional committed elements to the development plan: enhanced landscaping –plan dated August 1<sup>st</sup>; would be restricting the use of parcel at southeast quadrant of Renaissance Parkway and Fayetteville Road to an office type use such as a bank and would preclude the following uses from any portion of the site: boarding house, cemetery, mausoleum, columbarium, or memorial garden, club, lodge, or recreational facility by use by non-profit organizations, funeral home, repair shop without outdoor storage or operations and restaurants and catering services with drive up windows.

No one spoke in opposition to this rezoning.

Mayor Bell declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Edwards to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P01-67 out of RD and placing same in and establishing same as NC (D), RM-8 (D), and RM-20 (D) was approved at 8:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: REZONING CASE (P02-16) – RESIDENCES AT ASHTON PLACE (HEART OF DURHAM HOTEL) – L. E. TUCKETT, AIA - 500 WILLARD STREET**

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To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-16 out of GC and placing same in and establishing same as CBD; DTA.

Zoning Committee Recommendation and Vote: Approval (5-2)

Planning Department Recommendation: Approval

Sheila Stains-Ramp, of the City/County Planning Department, briefed Council on the staff report noting no development plan was filed with this proposal and staff's recommendation is for approval.

Council held discussion on permitted uses and height of buildings.

Mayor Bell opened the public hearing.

Proponents

L. E. Tuckett, applicant, spoke in support of this rezoning.

Bob Wilson, architect, spoke in support of this proposal highlighting the uses.

Council held discussion on conceptual drawings and zoning.

Mr. Tuckett, the applicant, stated why there was no development plan.

Attorney Blinder briefed Council on the legislative rezoning application.

Sheila Stains-Ramp, of the City/County Planning Department, noted there are five uses that would come back to Council for a Major Special Use Permit.

Bill Kalkhof, of DDI, spoke in support of this rezoning request noting the proposal is consistent with the Downtown Master Plan.

Frank Duke, Planning Director, updated Council on the Downtown Design Overlay process.

No one spoke in opposition to this rezoning.

Mayor Bell declared the public hearing closed.

Mayor Pro Tempore Cheek noted that he could not support this proposal unless there's a development plan or the Downtown Design Overlay is in place.

Council Member Best requested Mr. Wilson, the architect, to provide pictures of his completed projects.

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Council held discussion on Downtown Design Overlay, proposed development and parking.

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-16 out of GC and placing same in and establishing same as CBD; DTA was approved at 9:51 p.m. by the following vote: Ayes: Mayor Bell and Council Members Clement, Cole-McFadden, Edwards and Stith. Noes: Mayor Pro Tempore Cheek and Council Member Best. Absent: None.

**SUBJECT: REZONING CASE (P02-17) - THE COMMUNITY BUILDERS, INC.  
– 4.319 ACRES COMPRISED OF 29 PARCELS ON THE SOUTH  
SIDE OF ANGIER AVENUE, BETWEEN LAUREL STREET AND  
STOKES STREET**

To receive public comment on rezoning Case P02-17.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-17 out of R-3 and placing same in and establishing same as RM-20.

Zoning Committee Recommendation: Approval (5-1)  
Planning Department Recommendation: Approval

Sheila Stains-Ramp, of the City/County Planning Department, briefed Council on the staff report noting there is no development plan for this proposal.

Mayor Bell opened the public hearing.

Proponent

Tom Davis, the applicant, spoke in support of this rezoning.

No one spoke in opposition to rezoning request.

Mayor Bell declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to receive public comment on rezoning Case P02-17; and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-17 out of R-3 and placing same in and establishing same as RM-20 was approved at 9:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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At this time, citizens requested to be heard on this item against this rezoning.

**MOTION** by Council Member Stith seconded by Council Member Edwards to reconsider the action taken by Council was approved at 9:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Mayor Bell re-opened the public hearing.

Opponents

Lee Chole Lipscomb, representing Mills Construction, spoke in opposition to this rezoning due to the original policy concerning Edgemont II Revitalization project.

Cathy Conners, representing Mills Construction, spoke in opposition to this rezoning noting if property is rezoned it will be in conflict with the Edgemont II Revitalization plan.

Mayor Bell declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to receive public comment on rezoning Case P02-17; and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-17 out of R-3 and placing same in and establishing same as RM-20 was approved at 10:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

There being no further business to come before the City Council, the special meeting was adjourned at 10:10 p.m.

Linda E. Bratcher  
Deputy City Clerk